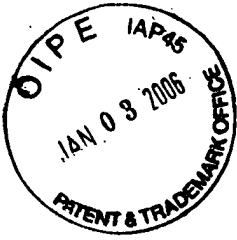


FW
DAC



PATENT
ATTORNEY DOCKET NO.: 049390-5008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|--------------------------------|---|---------------------------|
| In re Application of: |) | |
| |) | Confirmation No.: 1174 |
| Naoto KINJO |) | |
| |) | Group Art Unit: 2612 |
| Application No. 09/805,582 |) | |
| |) | Examiner: C. Yoder III |
| Filed: March 14, 2001 |) | |
| |) | Mail Stop PETITION |
| For: DIGITAL CAMERA AND METHOD |) | |
| FOR COMPOSITING IMAGES |) | |
| (As Previously Presented) |) | |

Mail Stop PETITION
The Commissioner for Patents
U.S. Patent and Trademark Office
Alexandria, VA 22314

Sir:

PETITION UNDER 37 C.F.R. § 1.181 and MPEP § 711.03(c)(I)(A)
TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION
AND TO MAIL NEW OFFICE ACTION

This is a petition under 37 C.F.R. § 1.181 and MPEP § 711.03(c)(I)(A) that the supervisory authority of the Commissioner be invoked to withdraw any holding of abandonment and to mail a new Office Action in the above-referenced application.

On December 9 and 12, 2005, Applicant's representative received courtesy telephone calls from Examiner Chriss Yoder III informing her that an Office Action in the above-referenced application was mailed on June 3, 2005, and that no response was received by the

U.S. Patent and Trademark Office (USPTO). During the second telephone call, Applicant's representative indicated to Examiner Chriss Yoder III that no Office communication was received on or around June 3, 2005 in the above-referenced application. Subsequent to the courtesy telephone call, the Examiner Chriss Yoder III contacted the Applicant's representative again and left a voice message notifying that a Notice of Abandonment would be issued in the present application for Applicant's failure to timely file a proper reply to the Office letter mailed on June 3, 2005.

The Patent Application Information Retrieval (PAIR) on the U.S. Patent and Trademark Office Website shows that a Final Office Action was mailed on June 3, 2005. However, Applicant respectfully submits that the Office Action shown on PAIR was never received by Applicant's representatives.

The procedures of Morgan, Lewis & Bockius LLP require that all received mail from the U.S. Patent and Trademark Office addressed to Morgan Lewis & Bockius LLP, the Patent Support Unit of Morgan, Lewis & Bockius LLP, or any patent attorney of Morgan Lewis & Bockius LLP be delivered to the Patent Support Unit where the mail will be opened and date stamped by the Records Specialists. The procedures further require that the mail will then be docketed by the Docketing Specialists. Review of the application file and the docket records of Applicant's representatives show that no Office Action having a mailing date of June 3, 2005, which is a Friday, was ever received and that no Office Action having the mailing dated of June 3, 2005 was ever docketed.

In accordance with MPEP 711.03(c), a copy of the docket record where the non-received Office communication would have been entered, had it been received and docketed, is being filed concurrently herewith. According to the docket record, the last Office communication that was received in the above-referenced application is a Non-Final Office Action received June 21, 2005, a response to which was filed on December 17, 2005 concurrently with an Amendment and petition and fee for a three-month extension of time as indicated by the second and third listed items on the third page of the docket record. Had any Office communication been received after the filing of the Amendment filed December 17, 2005, the docket would have been updated to include an entry following the "Response Filed Status Check" entry, which is the second and third listed item on the third page on the docket record.

Thus, Applicant respectfully submits that the Office Action mailed June 3, 2005 was not received. If the Office Action was actually mailed by the U.S. Patent and Trademark Office on the date indicated on PAIR, it may have been inadvertently destroyed by the U.S. Postal Service.

CONCLUSIONS

Applicant respectfully requests that any holding of abandonment be withdrawn based on failure to receive an Office Action, and that a new Office Action be mailed.

Applicant is filing this petition after receiving a Notice of Abandonment.

Applicant respectfully submits that no fees are due with the filing of this petition.

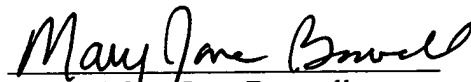
However, if there are any other fees due in connection with the filing of this petition, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: January 3, 2006

By:



Mary Jane Boswell

Reg. No. 33,652

Customer No. 09629

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Telephone: (202) 739-3000

Facsimile: (202) 739-3001

Applications

Clear

Copy

Search

Save

Print

Delete

Undo

Exit

Case Number: 49390-5008

SubCase:

Client: Ion Patent

Country: US

United States of America

CtrySub:

Location: WA8



Show All Actions







Show Only Outstanding Actions

| 93 Action(s) Due | Due Date | Indicator | Action Taken |
|--------------------------------|-------------|-----------|----------------|
| Priority Application Due - 1mo | 14-Feb-2001 | Reminder | 13-Mar-2001 .. |
| Priority Application Due - 2wk | 01-Mar-2001 | Reminder | 13-Mar-2001 .. |
| Application Due Tomorrow | 13-Mar-2001 | Due Date | 13-Mar-2001 .. |
| File Priority Application | 14-Mar-2001 | Final | 14-Mar-2001 .. |
| Missing Parts Received | 27-Apr-2001 | Reminder | 27-Apr-2001 .. |
| OFR Recd - 5 days ago | 02-May-2001 | Reminder | 02-May-2001 .. |
| OFR-Report to Client Due | 18-May-2001 | Due Date | 18-May-2001 .. |
| Response Due-MP - 1 month | 20-May-2001 | Reminder | 20-May-2001 .. |
| Response Due-MP - 2 weeks | 03-Jun-2001 | Reminder | 03-Jun-2001 .. |
| Response Due-MP - 1 week | 13-Jun-2001 | Reminder | 13-Jun-2001 .. |
| Information Disclosure Stmt | 14-Jun-2001 | Due Date | 14-Jun-2001 .. |
| Application Filed-FR Rec? | 14-Jun-2001 | Status | 26-Apr-2001 .. |
| Missing Parts Due - Tentative | 14-Jun-2001 | Status | 26-Apr-2001 .. |
| OFR-Report to Client Due | 18-Jun-2001 | Due Date | 18-Jun-2001 .. |
| Response Due - MP | 20-Jun-2001 | Due Date | 20-Jun-2001 .. |
| 1st EOT - 2 weeks | 04-Jul-2001 | Reminder | 20-Jul-2001 .. |
| 1st EOT Due - 1 week | 11-Jul-2001 | Reminder | 20-Jul-2001 .. |
| File IDS | 14-Jul-2001 | Due Date | 13-Jul-2001 .. |
| OFR-Report to Client Due | 18-Jul-2001 | Due Date | 18-Jul-2001 .. |
| MP 1st EOT Due | 20-Jul-2001 | Due Date | 20-Jul-2001 .. |
| 2nd EOT - 2 weeks | 03-Aug-2001 | Reminder | 17-Aug-2001 .. |
| 2nd EOT Due - 1 week | 10-Aug-2001 | Reminder | 17-Aug-2001 .. |
| File IDS | 14-Aug-2001 | Due Date | 14-Aug-2001 .. |
| US-Assignment Filed | 17-Aug-2001 | Due Date | 17-Aug-2001 .. |
| US-Claim For Priority Filed | 17-Aug-2001 | Due Date | 17-Aug-2001 .. |
| OFR-Report to Client Due | 18-Aug-2001 | Due Date | 17-Aug-2001 .. |
| MP 2nd EOT Due | 20-Aug-2001 | Due Date | 17-Aug-2001 .. |
| 3rd EOT - 2 weeks | 03-Sep-2001 | Reminder | 17-Aug-2001 .. |
| 3rd EOT Due - 1 week | 10-Sep-2001 | Reminder | 17-Aug-2001 .. |
| File IDS | 14-Sep-2001 | Due Date | 17-Aug-2001 .. |
| OFR-Report to Client Due | 18-Sep-2001 | Due Date | 18-Sep-2001 .. |
| MP 3rd EOT Due | 20-Sep-2001 | Due Date | 17-Aug-2001 .. |
| 4th EOT - 2 weeks | 04-Oct-2001 | Reminder | 17-Aug-2001 .. |
| OFR Recd - 5 days ago | 06-Oct-2001 | Reminder | 22-Oct-2001 .. |
| 4th EOT Due - 1 week | 11-Oct-2001 | Reminder | 17-Aug-2001 .. |
| OFR-Report to Client Due | 18-Oct-2001 | Due Date | 03-Oct-2001 .. |
| MP 4th EOT Due | 20-Oct-2001 | Due Date | 17-Aug-2001 .. |
| OFR-Report to Client Due | 22-Oct-2001 | Due Date | 22-Oct-2001 .. |
| 5th EOT Due - 2 weeks | 03-Nov-2001 | Reminder | 17-Aug-2001 .. |

BEST AVAILABLE COPY

| | | | | |
|-------------------------------|-------------|----------|-------------|----|
| RA Received 5 days ago | 06-Nov-2001 | Reminder | 06-Nov-2001 | .. |
| 5th EOT Due - 1 week | 10-Nov-2001 | Reminder | 17-Aug-2001 | .. |
| MP - 5th EOT Due - FINAL | 20-Nov-2001 | Final | 17-Aug-2001 | .. |
| RA-Report to Client Due | 22-Nov-2001 | Due Date | 22-Nov-2001 | .. |
| OFR-Report to Client Due | 22-Nov-2001 | Due Date | 25-Oct-2001 | .. |
| MP Filed - Status Check | 17-Dec-2001 | Status | 17-Aug-2001 | .. |
| Notice of Publication Rcvd | 18-Jan-2002 | Reminder | 18-Jan-2002 | .. |
| NO FOLLOWUP | 17-Feb-2002 | Status | 17-Aug-2001 | .. |
| PD filed-NO FOLLOWUP | 17-Feb-2002 | Status | 17-Aug-2001 | .. |
| Recordation Due | 17-Feb-2002 | Status | 01-Nov-2001 | .. |
| RA-Report to Client Due | 22-Feb-2002 | Due Date | 28-Nov-2001 | .. |
| 12 month Status Check | 14-Mar-2002 | Status | 13-Mar-2002 | .. |
| 18 month Status Check | 14-Sep-2002 | Status | 14-Sep-2002 | .. |
| Status Inquiry Needed | 14-Oct-2002 | Status | 14-Oct-2002 | .. |
| Status Inquiry Needed | 14-Nov-2002 | Status | 04-Nov-2002 | .. |
| Status Inquiry Needed | 14-Dec-2002 | Status | 09-Dec-2002 | .. |
| PTO Response Due - 2 weeks | 23-Jan-2003 | Reminder | 30-Dec-2002 | .. |
| PTO Response Due - 1 week | 30-Jan-2003 | Reminder | 30-Dec-2002 | .. |
| Resp to Status Inquiry Due | 09-Feb-2003 | Status | 30-Dec-2002 | .. |
| Request for Examination | 14-Mar-2004 | Due Date | 14-Mar-2001 | .. |
| Status - Waiting 1st OA | 18-Mar-2004 | Status | 18-Mar-2004 | .. |
| Status - Waiting 1st OA | 18-Apr-2004 | Status | 16-Apr-2004 | .. |
| Status - Waiting 1st OA | 18-May-2004 | Status | 18-May-2004 | .. |
| NCB OA-Report to Client | 24-Jun-2004 | Due Date | 21-Jun-2004 | .. |
| OA Recd-Report to Client | 27-Jun-2004 | Due Date | 25-Jun-2004 | .. |
| NCB - Comments Due-1 week | 01-Jul-2004 | Reminder | 21-Jun-2004 | .. |
| OA Recd-Report to Client | 04-Jul-2004 | Due Date | 01-Jul-2004 | .. |
| NCB - Comments Due | 08-Jul-2004 | Due Date | 21-Jun-2004 | .. |
| OA Recd-Report to Client | 11-Jul-2004 | Due Date | 09-Jul-2004 | .. |
| Comments Due To Client | 17-Jul-2004 | Due Date | 15-Jul-2004 | .. |
| OA Recd-Report to Client | 18-Jul-2004 | Due Date | 15-Jul-2004 | .. |
| Status - Waiting 1st OA | 18-Jul-2004 | Status | 21-Jun-2004 | .. |
| OA Recd-Report to Client | 28-Jul-2004 | Due Date | 28-Jul-2004 | .. |
| Comments PAST DUE!!! | 08-Aug-2004 | Due Date | 28-Jul-2004 | .. |
| OA Recd-Report to Client | 04-Aug-2004 | Due Date | 28-Jul-2004 | .. |
| 1 Month to Due Date | 17-Aug-2004 | Reminder | 17-Nov-2004 | .. |
| 3 Month Due Date - 2 weeks | 01-Sep-2004 | Reminder | 17-Nov-2004 | .. |
| Response Due - 1 week | 10-Sep-2004 | Reminder | 17-Nov-2004 | .. |
| 3 Month Due Date | 17-Sep-2004 | Due Date | 17-Sep-2004 | .. |
| 1st EOT Due - 2 weeks | 02-Oct-2004 | Reminder | 17-Nov-2004 | .. |
| 1st EOT Due - 1 week | 10-Oct-2004 | Reminder | 17-Nov-2004 | .. |
| 1st EOT Due | 17-Oct-2004 | Due Date | 18-Oct-2004 | .. |
| 2nd EOT Due - 2 weeks | 01-Nov-2004 | Reminder | 17-Nov-2004 | .. |
| 2nd EOT Due - 1 week | 10-Nov-2004 | Reminder | 17-Nov-2004 | .. |
| 2nd EOT Due | 17-Nov-2004 | Due Date | 17-Nov-2004 | .. |
| 3rd EOT - 2 Wks to Final Date | 02-Dec-2004 | Reminder | 02-Dec-2004 | .. |
| 3rd EOT Due - 1 week | 10-Dec-2004 | Reminder | 10-Dec-2004 | .. |
| FINAL Resp Due Tomorrow | 16-Dec-2004 | Due Date | 16-Dec-2004 | .. |

BEST AVAILABLE COPY

| | | | | |
|-------------------------------|-------------|----------|-------------|---|
| 3rd EOT Due - 6 Month Final | 17-Dec-2004 | Final | 17-Dec-2004 |  |
| Response Filed - Status Check | 17-May-2005 | Status | 17-May-2005 |  |
| Response Filed - Status Check | 17-Sep-2005 | Status | 18-Sep-2005 |  |
| File Petition to Revive | 30-Dec-2005 | Reminder | |  |
| File Petition to Revive | 15-Jan-2006 | Due Date | |  |
| Response Filed - Status Check | 17-Jan-2006 | Status | 21-Dec-2005 |  |

Go To: Invention Cost Tracking Letter

BEST AVAILABLE COPY